

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TIME'S UP, INC.,

Index no. 07 CV 9557 (PAC)

Plaintiffs,

-Against-

**ATTORNEY DECLARATION IN
OPPOSITION TO
DEFENDANTS'
MOTION TO DISMISS**

THE CITY OF NEW YORK, COMMISSIONER OF THE NEW
YORK CITY POLICE DEPARTMENT RAY KELLY, OFFICER
CAROLYN FANALE, OFFICER STEVEN BOBBETT, OFFICER
LUIS MORTIMER, DEPUTY INSPECTOR THOMAS GRAHAM
and APPROXIMATELY 34 OTHER UNIDENTIFIED
NEW YORK CITY POLICE OFFICERS,

Defendants.

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STATE OF NEW YORK)
)ss.:
COUNTY OF NEW YORK)

WYLIE M. STECKLOW, ESQ., an attorney duly admitted to practice before this Court
being duly sworn, deposes and affirms the following:

1. I am the attorney of record for the above captioned Plaintiffs.
2. I submit this declaration in further opposition of the Defendants' motion to dismiss this complaint.
3. Attached hereto as Stecklow exhibit A is a correspondence dated March 3, 2008 from Plaintiff's counsel to this Honorable Court.
4. Attached hereto as Stecklow exhibit B are two pages, including the front page of the Complaint in the subject matter with three service stamps from the City of NY Law Department from Oct. 25, 2007 at approximately 4:43pm and one stamp from the USDCSDNY Cashiers. Also attached is an email from Plaintiff's counsel to Defendants' counsel that states in part, 'Earlier today the Summons and Complain was served on the City and NYPD Commissioner (attached Complaint cover sheet contains service stamps).
5. Attached hereto as Stecklow exhibit C is a correspondence dated January 20, 2008 from Plaintiff's counsel to the Defendants' Counsel that states in part, "However, in light of the ongoing companion litigation (Times UP v. NYC, et al), the identification of the two officers is still requested."

6. Attached as Stecklow exhibit D are documents including, an Op-Ed article from the *New York Daily News* (10-28-04), authored by **Defendant Police Commissioner Raymond W. Kelly**, titled “Extremists have Hijacked the Bike Rides” and also numerous pages created by the NYPD in preparation for the Republican National Convention, that took place in New York City in August 2004, that reference Time’s UP! as the organizer and/or chief supporter of Critical Mass Bike Rides.

Dated: June 30, 2008
New York, N.Y.

WYLIE M. STECKLOW (WMS 6012)
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